

FEDERAL REGISTER

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Washington, Tuesday, May 20, 1941

The President

EMERGENCY BOARD, ATLANTA, BIRMINGHAM
AND COAST RAILROAD COMPANY—EM-
PLOYEES

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Atlanta, Birmingham and Coast Railroad Company, a carrier, and certain of its employees represented by the following labor organizations:

Brotherhood of Locomotive Firemen
and Enginemen,

Brotherhood of Railroad Trainmen

which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the States of Alabama and Georgia to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars (\$75.00) for every day actually employed with or upon account of travels and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72nd Congress, Approved June 30, 1932, 11:30

a. m., not to exceed five dollars (\$5.00) per diem for expenses incurred for subsistence.

All expenditures of the Board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1941" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifteenth day of May in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President

CORDELL HULL
Secretary of State

[No. 2485]

[F. R. Doc. 41-3529; Filed, May 16, 1941;
3:23 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF
THE WAR DEPARTMENT AS A DEMOLITION
AND PRACTICE BOMBING RANGE

ALASKA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights and to existing reservations and classifications for power purposes, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a demolition and practice bombing range:

Seward Meridian

T. 14 N., R. 2 W., secs. 4 to 8, inclusive, sec. 18, and those portions of secs. 3, 9, 10, 16, 17, and 19, lying northwesterly of the right-of-way of the Alaska Railroad;

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T. 15 N., R. 2 W., secs. 10 to 23, inclusive, secs. 27 to 33, inclusive, and those portions of secs. 24, 25, 26, 34, and 35, lying northwesterly of the right-of-way of the Alaska Railroad;

T. 15 N., R. 3 W., sec. 24, lot 1.

The areas described, including both public and non-public lands, aggregate 18,600 acres.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 16, 1941.

[No. 8755]

[F. R. Doc. 41-3539; Filed, May 17, 1941; 11:30 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8633¹

OF JANUARY 14, 1941, ORDERING CERTAIN UNITS AND MEMBERS OF THE NATIONAL GUARD OF THE UNITED STATES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

By virtue of the authority conferred upon me by Public Resolution No. 96, 76th Congress, approved August 27, 1940, and the National Defense Act of June 3, 1916, as amended (39 Stat. 166), and as Commander-in-Chief of the Army and Navy of the United States, Executive Order No. 8633 of January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, is hereby amended by adding to the list of units therein contained the following:

121st CA Bn (AA) (Sep)
1st Bn 297th Infantry
121st AC Observation Squadron
122nd AC Observation Squadron
123rd AC Observation Squadron
124th AC Observation Squadron
125th AC Observation Squadron
126th AC Observation Squadron
127th AC Observation Squadron
128th AC Observation Squadron

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 17, 1941.

[No. 8756]

[F. R. Doc. 41-3549; Filed, May 19, 1941; 11:03 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMENTERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS²

POST COMMANDER

§ 52.18 General duties.

(c) Use of Government airdromes or landing fields for privately owned aircraft. (1) Owners of private aircraft will not be permitted to use any active Government airdrome as a base. The use of such airdrome by operators of private aircraft may, however, be permitted, in the discretion of the commanding officer of the post, upon condition that the air craft is not operated for profit, that it is housed in privately owned hangars not located on Government land (except as provided by §§ 22.1 to 22.7), and that assistance will not be required from the personnel of the post as to maintenance, repair, or operation. (R.S. 161; 5 U.S.C. 22) [Par. 20a,

¹ 6 F.R. 415.

² § 52.18 (c) (1) is amended.

AR 210-10, Dec. 20, 1940, as amended by
Cir. 93, W.D., May 7, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-3548; Filed, May 19, 1941;
9:23 a. m.]

TITLE 14—CIVIL AVIATION CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 109 of the Civil Air
Regulations]

PART 24—MECHANIC RATING

PROVISION FOR ISSUANCE OF FACTORY MECHANIC RATING

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 16th day of May 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205(a), 601(a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 16, 1941, Part 24 of the Civil Air Regulations, as amended, is amended by:

(1) Adding to § 24.2 a fourth paragraph to read as follows:

§ 24-2 *Mechanic competency certificate.*

(d) *Factory mechanic rating.*

(2) By adding a new section following § 24.222 to read as follows:

§ 24.23 *Factory mechanic rating.* To be eligible for a factory mechanic rating, applicant must be employed by and designated by a manufacturer holding a currently effective production certificate, as in direct charge of the inspection, maintenance, overhaul or repair of aircraft, aircraft engines, propellers, or instruments constructed by such manufacturer. The experience and employment record of the applicant must indicate that he is competent to engage in such activity.

(3) By striking the period at the end of the last sentence in § 24.32 and adding thereto the following:

§ 24.32 *Inspection.* * * * or (3) in the case of a factory mechanic rating, at any time the holder ceases to be employed by the manufacturer to whose products the rating is limited or whenever the facilities of such manufacturer are no longer available to or in use by the holder.

(4) By adding to § 24.33 a fourth paragraph to read as follows:

§ 24.33 *Standard of performance.*

(d) *Factory mechanic rating.* Applicant shall at the time endorsement is sought, be fully qualified for the original issuance of a factory mechanic rating.

(5) By adding at the end of Part 24 a new section to read as follows:

§ 24.53 *Factory mechanic rating limitations.* The holder of a factory mechanic rating shall be limited to the inspection, maintenance, overhaul or repair of aircraft, aircraft engines, propellers, or instruments constructed by the manufacturer employing the holder. Such work shall be performed only for such manufacturer and through the use of facilities provided by him.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-3541; Filed, May 19, 1941;
9:21 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3718]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONSUMERS BUREAU OF STANDARDS

§ 3.6 (a) (3) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) (11) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (a) (14) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational or research institution:* § 3.6 (a) (18) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Non-profit character:* § 3.6 (a) (29) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.96 (b) (2) *Using misleading name—Vendor—Identity:* § 3.96 (b) (3) *Using misleading name—Vendor—Individual or private business being educational or research institution:* § 3.96 (b) (4) *Using misleading name—Vendor—Non-profit character.* In connection with offer, etc., in commerce, of any book, magazine, periodical, circular letter, or any other printed or written matter which gives or purports to give appraisals or classifications of merchandise, goods, or services, and on the part of respondent Lane, doing business as Consumers Bureau of Standards or Consumers Bureau, or under any other name, and on the part of his representatives, etc., (1) representing in any manner, or using any

trade or other name which imports or implies, that such publication is compiled, issued, sold, or offered for sale by or under the direction of any bureau, institute, or organization engaged in research work for the benefit of consumers, or devoted to aiding consumers in making wise or economical purchases, or which by means of any scientific or adequate tests of any nature designates the comparative consumer value of any merchandise, goods, or services; (2) representing that respondent's business is operated on a non-profit basis; (3) representing that respondent's business is national in scope, or representing in any manner that such business is greater in size or scope than is the fact; and (4) representing that respondent is, or represents, any consumers' research group or movement; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consumers Bureau of Standards, Docket 3718, April 28, 1941]

§ 3.6 (a) (3) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff:* § 3.6 (a) (21) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample, offer or order conformance:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of any book, magazine, periodical, circular letter, or any other printed or written matter which gives or purports to give appraisals or classifications of merchandise, goods, or services, and on the part of respondent Lane, doing business as Consumers Bureau of Standards or Consumers Bureau, or under any other name, and on the part of his representatives, etc., (1) representing that any such publication is or will be issued, printed, or distributed at any stated time or times other than those at which it is actually issued, printed, or distributed; (2) representing that respondent has any arrangement with the Mellon Institute of Industrial Research, Massachusetts Institute of Technology, or any similar organizations or institutions, for the submission thereof for determination of any questions concerning the value or comparative value of merchandise, goods, or services; and (3) representing that respondent personally is qualified by any special training, education, or experience to determine, or has any employees, staff,

equipment, or facilities for determining, by any scientific method or adequate investigation or tests, the value or comparative value of any merchandise, goods, or services; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consumers Bureau of Standards, Docket 3718, April 28, 1941]

§ 3.24 (b) (2) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatening unfavorable publicity.* In connection with offer, etc., in commerce, of any book, magazine, periodical, circular letter, or any other printed or written matter which gives or purports to give appraisals or classifications of merchandise, goods, or services, and on the part of respondent Lane, doing business as Consumers Bureau of Standards or Consumers Bureau, or under any other name, and on the part of his representatives, etc., threatening, inferring, or implying to any manufacturer or distributor of merchandise, goods, or services that a refusal to buy copies of or contribute financially to such publication or directly or indirectly to respondent, will or may result in unfavorable, disparaging, or derogatory listing of, or reference to, such manufacturer or distributor or his merchandise, goods, or services in or in connection with said publication, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consumers Bureau of Standards, Docket 3718, April 28, 1941]

In the Matter of Albert Lane, an Individual, Trading as Consumers Bureau of Standards

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before examiners of the Commission theretofore duly designated by it, report of the trial examiners and exceptions thereto, and briefs filed herein; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Albert Lane, trading or doing business as Consumers Bureau of Standards or Consumers Bureau, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any

book, magazine, periodical, circular letter, or any other printed or written matter which gives or purports to give appraisals or classifications of merchandise, goods, or services, do forthwith cease and desist, directly or by implication, from:

(1) Representing in any manner, or using any trade or other name which imports or implies, that such publication is compiled, issued, sold, or offered for sale by or under the direction of any bureau, institute, or organization engaged in research work for the benefit of consumers, or devoted to aiding consumers in making wise or economical purchases, or which by means of any scientific or adequate tests of any nature designates the comparative consumer value of any merchandise, goods, or services;

(2) Representing that any such publication is or will be issued, printed, or distributed at any stated time or times other than those at which it is actually issued, printed, or distributed;

(3) Representing that respondent's business is operated on a non-profit basis;

(4) Representing that respondent's business is national in scope, or representing in any manner that such business is greater in size or scope than is the fact;

(5) Representing that respondent is, or represents, any consumers' research group or movement;

(6) Representing that respondent has any arrangement with the Mellon Institute of Industrial Research, Massachusetts Institute of Technology, or any similar organizations or institutions, for the submission thereto for determination of any questions concerning the value or comparative value of merchandise, goods, or services;

(7) Representing that respondent personally is qualified by any special training, education, or experience to determine, or has any employees, staff, equipment, or facilities for determining, by any scientific method or adequate investigation or tests, the value or comparative value of any merchandise, goods, or services;

(8) Threatening, inferring, or implying to any manufacturer or distributor of merchandise, goods, or services that a refusal to buy copies of or contribute financially to such publication or directly or indirectly to respondent, will or may result in unfavorable, disparaging, or derogatory listing of, or reference to, such manufacturer or distributor or his merchandise, goods, or services in or in connection with said publication.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3534; Filed, May 17, 1941; 10:41 a. m.]

[Docket No. 3853]

PART 3—DIGEST OF CEASE AND DESIST ORDER:

IN THE MATTER OF AMERICAN PLIERENCH CORPORATION

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing in connection with offer, etc., in commerce, of a combination plier and wrench, designated as The Eifel-Geared PlieRench Kit, whether sold under the same name or under any other name, any specified sum of money (1) as possible earnings or profits of salespersons for any stated period which is not a true representation of the earnings or profits which have been made for such stated period of time by a substantial number of respondent's active salespersons in the ordinary course of business under normal conditions and circumstances, or (2) as earnings or profits of any specified salesperson for any stated period of time unless such sum of money has in fact been earned net by such salesperson in said period of time in the ordinary course of business and under normal conditions, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Plierench Corporation, Docket 3853, April 30, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the complaint (respondent not having filed brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, American Plierench Corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a combination plier and wrench, designated as The Eifel-Geared PlieRench Kit, whether sold under the same name or under any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing any specified sum of money as possible earnings or profits of

¹ 4 F.R. 2371.

¹ 5 F.R. 1632.

salespersons for any stated period which is not a true representation of the earnings or profits which have been made for such stated period of time by a substantial number of respondent's active salespersons in the ordinary course of business under normal conditions and circumstances;

(2) Representing any specified sum of money as earnings or profits of any specified salesperson for any stated period of time unless such sum of money has in fact been earned net by such salesperson in said period of time in the ordinary course of business and under normal conditions.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3535; Filed, May 17, 1941;
10:41 a. m.]

[Docket No. 3982]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FREDMORR, INC., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of pencils, radios, watches, electric shavers, or other merchandise, (1) selling, etc., pencils, radios, watches, electric shavers, or any other merchandise, so packed or assembled that sales of any such merchandise to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, or (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of pencils, radios, watches, electric shavers, or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing any of such merchandise to the public, or (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fredmorr, Inc., et al., Docket 3982, April 30, 1941]

In the Matter of Fredmorr, Inc., a Corporation, and Morris Weitz, Individually, and Trading as Morroco, and as an Officer of Fredmorr, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon

¹ 5 F.R. 590.

the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the complaint taken before trial examiners of the Commission theretofore duly designated by it, the report of the trial examiners upon the facts and the exceptions thereto, briefs filed on behalf of the Commission and the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Fredmorr, Inc., its officers, directors, representatives, agents and employees, and the respondent Morris Weitz, individually, and trading as Morroco, and as an officer of Fredmorr, Inc., his representatives, agents, and employees, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of pencils, radios, watches, electric shavers, or other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing pencils, radios, watches, electric shavers, or any other merchandise, so packed or assembled that sales of any such merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

2. Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices either with assortments of pencils, radios, watches, electric shavers, or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing any of such merchandise to the public;

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3536; Filed, May 17, 1941;
10:41 a. m.]

[Docket No. 4159]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AMERICAN MEDICINAL PRODUCTS, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or decep-*

tively, to make material disclosure—Safety. Disseminating, etc., in connection with offer, etc., of respondents' Re-Duce-Oids medicinal preparation, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondents' preparation Re-Duce-Oids is a cure or remedy for obesity or constitutes a safe, competent or effective treatment therefor; or which advertisements fail to reveal that said preparation should only be used under competent medical supervision and that the unsupervised use thereof by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health, and that said preparation is definitely harmful if used by persons having diabetes, goiter, tuberculosis, arteriosclerosis, or coronary diseases, and that the use thereof over a long period of time may cause the breaking down of muscular and other tissues, as well as fat tissues, causing irritation of nerve tissue, nervousness, irritability, and increased heart rate, with possible irreparable injury to health even to a normal individual; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Medicinal Products, Inc., et al., Docket 4159, April 30, 1941]

In the Matter of American Medicinal Products, Inc., a Corporation, and Ernest G. Rurup, an Individual Trading as Scientific Laboratories of America and as California Sunshine Products, Inc., and as Officer of American Medicinal Products, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the amended answer of the respondents, testimony and other evidence taken before John P. Bramhall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and report of the trial examiner upon the evidence, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondents, American Medicinal Products, Inc., a corporation, and Ernest G. Rurup, an individual and as officer of American Medicinal Products, Inc., have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent American Medicinal Products, Inc., a corporation, its officers, representatives, agents, and employees, and the respondent Ernest G. Rurup, an individual, and

¹ 5 F.R. 2650.

his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation known as Re-Duce-Oids, or any other preparation of substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondents' preparation Re-Duce-Oids is a cure or remedy for obesity or constitutes a safe, competent, or effective treatment therefor, or which advertisement fails to reveal that respondents' preparation should only be used under competent medical supervision and that the unsupervised use of said preparation by persons not skilled in the diagnosis and treatment of thyroid conditions may result in serious and irreparable injury to health, and that said preparation is definitely harmful if used by persons having diabetes, goiter, tuberculosis, arteriosclerosis, or coronary diseases, and that the use of said preparation over a long period of time may cause the breaking down of muscular and other tissues, as well as fat tissues, causing irritation of nerve tissue, nervousness, irritability, and increased heart rate, with possible irreparable injury to health even to a normal individual.

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' preparation Re-Duce-Oids, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to reveal that respondents' preparation should only be used under competent medical supervision and that the unsupervised use of said preparation by persons not skilled in the diagnosis, analysis, and treatment of thyroid conditions may result in serious and irreparable injury to health, and that said preparation is definitely harmful if used by persons having diabetes, goiter, tuberculosis, arteriosclerosis, or coronary diseases, and that the use of said preparation over a long period of time may cause the breaking down of muscular and other tissues, as well as fat tissues, causing irritation of nerve tissue, nervousness, irritability, and increased heart rate, with possible irreparable injury to health even to a normal individual.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to

comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order, said respondents shall file with this Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3537; Filed, May 17, 1941;
10:42 a. m.]

[Docket No. 4173]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF AMERICAN LECITHIN
COMPANY, INC., ET AL.

§ 3.995 (a) *Using patents, rights or privileges unlawfully—Diverting trade in, or exploiting sale of, unpatented products, generally.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., (1) using unlawfully any patent or patents which may be held by them or any of them concerning the use, production or processing of lecithin to divert trade in lecithin to themselves or away from competitors; and (2) unlawfully using any patent or patents held by them or any of them in such a manner as to obtain income from the sale of unpatented lecithin rather than from the monopoly expressly granted by the patent or patents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.24 (c) (2) *Coercing and intimidating—Customers and prospective customers of competitors—By threatening infringement suits, not in good faith: § 3.94 Threatening infringement suits, not in good faith.* Among other acts and practices, in commerce, on the part of respondents, their officers, etc., threatening to sue purchasers or prospective purchasers of competitors' lecithin for infringement of patents held by the American Lecithin Company, or any of them, but not in good faith, to enforce any patent rights which they may have, for the purpose of compelling or inducing such purchasers or prospective purchasers not to purchase lecithin from competitors, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.24 (c) (10) (1) *Coercing and intimidating—Distributors of competitors—By threatening infringement suits, not in good faith: § 3.94 Threatening infringement suits, not in good faith.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., threatening to sue agents, jobbers or sellers or other distributors of competi-

tors' lecithin for contributory infringement of any patents held by the American Lecithin Company, or any of them, not in good faith, to enforce any patent rights which they may have, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.6 (j) (3) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement: § 3.6 (1) Advertising falsely or misleadingly—Indorsements and testimonials: § 3.18 Claiming indorsements or testimonials falsely.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., representing that lecithin sold by the American Lecithin Company or by Ross & Rowe, Inc., or by any of the other respondents, is recommended for use by the Food and Drug Division of the United States Department of Agriculture, or any other branch of the Federal or State Governments, if in truth and in fact such is not the case, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.6 (a) (10) *Advertising falsely or misleadingly—Comparative data or merits: § 3.6 (b) (2) Advertising falsely or misleadingly—Competitors and their products—Competitors' products: § 3.48 (b) (2.3) Disparaging competitors and their products—Goods—Law compliance: § 3.48 (b) (3) Disparaging competitors and their products—Goods—Materials: § 3.48 (b) (6) Disparaging competitors and their products—Goods—Qualities or properties: § 3.48 (b) (7) Disparaging competitors and their products—Goods—Quality.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., disparaging competitors' products by creating or attempting to create in the minds of purchasers or prospective purchasers of lecithin the belief or understanding that lecithin produced, sold or distributed by competitors contains deleterious or foreign matter, requires labeling not required by respondents' product, lacks refinement, is less efficacious and is otherwise inferior to the lecithin products of the respondents unless in truth and in fact such be the case, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., combining, conspiring, agreeing or cooperating between themselves, or any one or more of them, or with others, to eliminate, restrain or lessen competition between them in the sale of lecithin or lecithin

products, by employing a common selling agency, or otherwise, prohibited; subject to the provision, however, that nothing herein shall prevent respondents from entering into or carrying out lawful arrangements for the exercise of rights under patents. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., (1) carrying out or entering into any agreement or doing any acts in pursuance of an agreement or understanding, that the American Lecithin Company or any of the respondents connected with the production or sale of lecithin in the United States should refrain from selling or exporting lecithin to foreign countries; and (2) entering into or carrying out any agreement or understanding with foreign producers or sellers of lecithin for the purpose of lessening, restricting or curtailing importation of lecithin into the United States or the territories thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods:* § 3.995 (b) *Using patents, rights or privileges unlawfully—Refraining, concertedly, from challenge of one another's.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., carrying out or entering into any agreement or understanding to refrain from challenging or contesting patents, rights or privileges concerning the production or use of lecithin or lecithin products held by any of them jointly or individually, which said respondents are not legally precluded from challenging or contesting, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

§ 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* Among other acts and practices in commerce, on the part of respondents, their officers, etc., (1) combining, conspiring or agreeing or cooperating, or entering into or carrying out any contracts to restrain trade or commerce in lecithin or lecithin products among the several states or with foreign nations; and (2) monopolizing or attempting to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce in lecithin among the several states or with foreign nations; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec.

45b) [Cease and desist order, American Lecithin Company, Inc., et al., Docket 4173, May 7, 1941]

In the Matter of American Lecithin Company, Inc., a Corporation, Its Officers, Joseph Eichberg, President, Armand May, Vice-President, Whitney D. Eastman, Vice-President, Clifton M. Kolb, Secretary, Richard H. Horsburg, Treasurer, Its Directors, Adrien Joyce, Chairman, Ross & Rowe, Inc.; The Glidden Company, a Corporation; Archer-Daniels-Midland Company, a Corporation, Its President, Shreve Archer; Hansa-Muehle, a German Corporation; Aarhus Oliefabrik, a Danish Corporation; and American Lecithin Corporation.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of May, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between the respondents herein—except Hansa-Muehle and Aarhus Oliefabrik—with W. T. Kelley, Chief Counsel of the Federal Trade Commission, approved by the Commission, which provides, among other things, that, without the presentation of further testimony, arguments, filing of briefs, or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding; and the Commission, having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, American Lecithin Company, Joseph Eichberg, Armand May, Whitney H. Eastman, Clifton M. Kolb, Richard H. Horsburg, Adrien D. Joyce, Ross & Rowe, Inc., The Glidden Company, Archer-Daniels-Midland Company, Shreve Archer and American Lecithin Corporation, their officers, directors, representatives, agents and employees, directly or indirectly, or through any corporate or other device, shall forthwith cease and desist from engaging in or doing, in commerce as "commerce" is defined in the Federal Trade Commission Act, either in combination or individually, the following acts or practices:

(a) Using unlawfully any patent or patents which may be held by them or any of them concerning the use, production or processing of lecithin to divert trade in lecithin to themselves or away from competitors;

(b) Threatening to sue purchasers or prospective purchasers of competitors' lecithin for infringement of patents held by the American Lecithin Company, or any of them, but not in good faith, to enforce any patent rights which they may

have, for the purpose of compelling or inducing such purchasers or prospective purchasers not to purchase lecithin from competitors;

(c) Threatening to sue agents, jobbers or sellers or other distributors of competitors' lecithin for contributory infringement of any patents held by the American Lecithin Company, or any of them, not in good faith, to enforce any patent rights which they may have;

(d) Representing that lecithin sold by the American Lecithin Company or by Ross & Rowe, Inc., or by any of the other respondents, is recommended for use by the Food and Drug Division of the United States Department of Agriculture, or any other branch of the Federal or State Governments, if in truth and in fact such is not the case;

(e) Disparaging competitors' products by creating or attempting to create in the minds of purchasers or prospective purchasers of lecithin the belief or understanding that lecithin produced, sold or distributed by competitors contains deleterious or foreign matter, requires labeling not required by respondents' product, lacks refinement, is less efficacious and is otherwise inferior to the lecithin products of the respondents unless in truth and in fact such be the case;

(f) Unlawfully using any patent or patents held by them or any of them in such a manner as to obtain income from the sale of unpatented lecithin rather than from the monopoly expressly granted by the patent or patents;

(g) Combining, conspiring, agreeing or cooperating between themselves or any one or more of them, or with others, to eliminate, restrain or lessen competition between them in the sale of lecithin or lecithin products, by employing a common selling agency, or otherwise: *Provided,* That nothing herein shall prevent respondents from entering into or carrying out lawful arrangements for the exercise of rights under patents;

(h) Carrying out or entering into any agreement or doing any acts in pursuance of an agreement or understanding, that the American Lecithin Company or any of the respondents connected with the production or sale of lecithin in the United States should refrain from selling or exporting lecithin to foreign countries;

(i) Entering into or carrying out any agreement or understanding with foreign producers or sellers of lecithin for the purpose of lessening, restricting or curtailing importation of lecithin into the United States or the territories thereof;

(j) Carrying out or entering into any agreement or understanding to refrain from challenging or contesting patents, rights or privileges concerning the production or use of lecithin or lecithin products held by any of them jointly or individually, which said respondents are not legally precluded from challenging or contesting;

(k) Combining, conspiring or agreeing or cooperating, or entering into or carry-

ing out any contracts to restrain trade or commerce in lecithin or lecithin products among the several states or with foreign nations;

(1) Monopolizing or attempting to monopolize or combine or conspire with any other person or persons to monopolize any part of the trade or commerce in lecithin among the several states or with foreign nations.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondents Aarhus Oliefabrik and Hansa-Muehle.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3538; Filed, May 17, 1941;
10:42 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50388]

NOTICE OF ADDITIONAL INFORMATION ON INVOICES COVERING MERCHANDISE SUBJECT TO WOOL PRODUCTS LABELING ACT OF 1939; ARTICLE 534½ ADDED TO CUSTOMS REGULATIONS OF 1937¹

PART 6—INVOICES, ENTRY, AND ASSESSMENT OF DUTIES

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T. D. 49426 [§ 6.1 (c)], invoices of wool products imported on and after July 14, 1941, shall contain in addition to all other information required by law and regulations, the information² set forth below. Invoices of wool products made more than twenty years prior to importation, and invoices of carpets, rugs, mats, and upholsteries are exempt from this requirement.

1. The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers;

2. The maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter; and

3. The name of the manufacturer of the wool product. (Sec. 8, Wool Products Labeling Act of 1939, Public, No. 850, 76th Congress, Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10)).

¹ 2 F.R. 1444, 1562, 1643.

² Affects 19 CFR 6.1.

PART 9—PACKING, STAMPING AND MARKING; TRADE-MARKS; COPYRIGHTS; DISTILLED SPIRITS, WINE, ETC.

The Customs Regulations of 1937 are amended by inserting after article 534 a new article to read as follows:

§ 9.11a *Labeling of wool products to indicate fiber content* (a) Wool products imported into the United States, except those made more than twenty years prior to importation, and except carpets, rugs, mats, and upholsteries, shall have affixed thereto a stamp, tag, label, or other means of identification, as required by the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder by the Federal Trade Commission. The term "wool product" means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

(b) If imported wool products are not correctly labeled and the collector is satisfied that the error or omission involved no fraud or wilful neglect, the importer shall be afforded a reasonable opportunity to label the merchandise under customs supervision to conform with the requirements of the act and the rules and regulations of the Federal Trade Commission.

(c) Packages of wool products subject to the provisions of this article which are not designated for examination may be released pending examination of the designated packages, but only if there shall have been filed in connection with the entry the usual customs single entry or term bond in such amount as is prescribed for such bonds in articles 1253 and 1254 of these regulations.

(d) The collector of customs shall give written notice to the importer of any lack of compliance with the Wool Products Labeling Act in respect of an importation of wool products, and pursuant to article 316 (a) of these regulations shall demand the immediate return of the involved products to customs custody, unless the lack of compliance is forthwith corrected.

(e) If the products covered by a notice and demand given pursuant to the preceding paragraph are not promptly returned to customs custody and the collector is not fully satisfied that they have been brought into compliance with the Wool Products Labeling Act, appropriate action shall be taken to effect the collection of liquidated damages in an amount equal to the value of the merchandise not redelivered, as set forth in the entry, plus the estimated duty thereon as determined at the time of entry, unless the owner or consignee shall file with the collector of customs or other appropriate customs officer an application for cancellation of the liability incurred under the bond upon the payment as liquidated damages of a lesser amount than the full amount of the liquidated damages incurred, or upon the basis of such other terms and conditions as the

Secretary of the Treasury may deem sufficient. The application shall contain a full statement of the reasons for the requested cancellation and shall be in duplicate and under oath.

(f) If any fraudulent violation of the act with respect to imported articles comes to the attention of the collector of customs, the involved merchandise shall be placed under seizure, or a demand shall be made for the redelivery of the merchandise if it has been released from customs custody, and the case shall be reported to the Federal Trade Commission, Washington, D. C. (Sec. 8, Wool Products Labeling Act of 1939, Public, No. 850, 76th Congress, R. S. 161, 251; 5 U.S.C. 22, 19 U.S.C. 66). [Art. 534½]

The provisions of article 534½ shall apply to importations made on and after July 14, 1941.

The full text of the Wool Products Labeling Act of 1939 and of the rules and regulations promulgated thereunder by the Federal Trade Commission will be disseminated by means of a Bureau of Customs circular letter.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: May 15, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-3540; Filed, May 17, 1941;
11:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. 832]

PART 328—MINIMUM PRICE SCHEDULE DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES IN DISTRICT NO. 8, WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 8, which coals have not heretofore been classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter,

temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 328.34 (*General prices for high volatile coals*) is amended by adding thereto Supplement

T, which supplements dated May 5, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed

with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.
Dated: May 5, 1941.
[SEAL]

H. A. GRAY,
Director.

TEMPORARILY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical List of Code Members—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	High volatile seam	Freight origin group No.	Price classifications by size group numbers																							
						For destinations other than Great Lakes												For Great Lakes cargo only											
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
2632	Brown, A. E.	A. E. Brown	6	Coal Creek	40	O	O	J	H	G	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
4026	Callahan, Thomas	Turkey Creek	6	Jellico	111	O	O	J	H	G	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
3163	Centrell, Dewey	Centrell	7	Clintonwood	10	R	R	M	L	K	H	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
1594	Day, Tillford	New Mathel	6	Mason	111	O	O	J	H	G	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
2095	Dobbs, Noah	Noah Dobbs	6	No. 3	71	O	O	J	H	G	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
2863	Ewen, A. B.	Lick Branch Cannel Coal Mine	1	Cannel	64	M	M	H	G	E	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
644	Jarrell, E. L.	Eagle	4	Eagle	127	M	M	H	G	E	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
2632	Kinder, William B.	Baker	6	Horse Creek	111	M	M	H	G	E	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
2933	Lambert, Leonard D.	Overlook	2	Harlan	80	M	M	H	G	E	E	E	G	E	G	E	E	E	E	E	E	E	E	E	E	E	E	E	E
2937	Williamson, Gaines	Williamson	6	Mason	113	H	H	P	H	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

¹ See Cannel coal prices.

FOR TRUCK SHIPMENTS

§ 328.34 General prices for high volatile coals—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes									
				Lump over 3", egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump 3/4" and under	Egg 2" x 4", egg 2" x 5"	Sieve 3" and under; nut 2" and under	Straight mine run	2" and under slack	3/4" and under slack		
				1	2	3	4	5	6	7	8		
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN CARTER COUNTY, KY.													
Hutchinson & Lucas (W. T. Hutchinson).	Kozee	3605	#7	265	245	210	220	205	200	150	145		
ELLIOTT COUNTY, KY.													
Adkins, James	Adkins	3601		265	245	210	220	205	200	150	145		
JOHNSON COUNTY, KY.													
Fairchild, Frank	Fairchild	3613	#1	305	285	235	240	215	225	170	165		
Horne, Robt.	Horne	3614	#1	305	285	235	240	215	225	170	165		
Ratliff, Dick	Turner Branch	3612	#1	305	285	235	240	215	225	170	165		
MORGAN COUNTY, KY.													
Adkins & Adkins (Evert Adkins)	Adkins	3603	Cannel	265	245	210	220	205	200	150	145		
SUB-DISTRICT NO. 3—HAZARD WOLFE COUNTY, KY.													
Little, J. S.	Little	3628	#4	265	245	210	220	205	200	150	145		
SUB-DISTRICT NO. 4—KANAWHA NICHOLAS COUNTY, W. VA.													
Jarrell, E. L.	Eagle	644	Eagle	265	245	230	230	205	220	165	160		
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN CLAY COUNTY, KY.													
Fisher, Granville B.	Fisher	3602	Horse Creek	265	245	220	220	205	210	155	150		
Lester Bros. (R. W. Lester)	Lester #1 & 2	3604	Horse Creek	265	245	220	220	205	210	155	150		
JACKSON COUNTY, KY.													
Echo Coal Co. % T. J. Hudson	Echo Coal Co.	3630	Parden	265	245	220	220	205	210	155	150		
KNOX COUNTY, KY.													
Steele, Eugene		3609	Blue Gem	335	315	235	260	225	225	145	140		
ROCKCASTLE COUNTY, KY.													
Durham & Barnett (Geo. Barnett).	Durham	3629	Horse Creek	265	245	220	220	205	210	155	150		
FULASKI COUNTY, KY.													
Davis, Lester	Davis	3608	#2	265	245	220	220	205	210	155	150		
Davis, Othel	Davis	3607	#2	265	245	220	220	205	210	155	150		
Wilson, Lloyd	Wilson	3625	#2	265	245	220	220	205	210	155	150		
CAMPBELL COUNTY, TENN.													
Reynolds, Silas	Silas Reynolds	3615	Peabody	265	245	205	215	205	195	135	130		
SUB-DISTRICT NO. 7—VIRGINIA DICKENSON COUNTY, VA.													
Farris Coal Company (J. D. Farris).	Farris	3623	Clintwood	265	245	220	220	215	210	155	150		
LEE COUNTY, VA.													
Condray Brothers (Lester Condray).	Condray Bros.	3624	Thompson	265	245	215	220	205	205	155	150		
Pennington, B. M.		3627	No. 5	265	275	225	245	215	215	170	165		
RUSSELL & TAZEWELL COUNTIES, VA.													
Consumers Mining Corporation.	Graceland	643	Upper Banner						210				
SUB-DISTRICT NO. 8—WILLIAMSON M'DOWELL COUNTY, W. VA.													
Bailey, P. H. (P. H. Bailey Coal Co.)	J. B. Bailey Coal Co.	3622	Douglas (Red Ash).	285	265	235	250	225	225	175	170		

[F. R. Doc. 41-3523; Filed, May 16, 1941; 11:32 a. m.]

[Docket No. A-809]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED BY PHILLIP E. JESSER, A CODE MEMBER IN DISTRICT NO. 19, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the Bituminous Coal Producers Board for District No. 19, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced by Phillip E. Jesser, named in said petition as Phillip E. Jesse, a code member in District No. 19, not heretofore classified and priced; and

It appearing that due notice of the filing of said petition was given to all persons interested in the matter and that no opposition has arisen in the premises; and the Director having considered said petition and the subject matter thereof; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and deeming this action necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (Code member price index) is amended by adding thereto Supplement T-I and § 339.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements dated May 1, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 1, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, excep-

tions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19 and Supplements thereto.

§ 339.4 *Code member price index*—Supplement T-I. The following shall be listed in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Sub-district price group
Jesser, Phillip E.....	Boyko..	223	Sheridan..	7

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II. Insert the following code member name (in alphabetical order), mine name and county, under Sub-District No. 7, and the following prices:

Jesser, Phillip E. Boyko, Sheridan.

Size groups													
1	2	3	4	5	6	7	8	9	10	12	14	15	
280	280	270	260	260	260	220	220	160	135	170	90	90	

[F. R. Doc. 41-3522; Filed, May 16, 1941; 11:32 a. m.]

[Docket No. A-798]

PART 343—MINIMUM PRICE SCHEDULE DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 23, NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the mines of certain code members in District No. 23, not heretofore classified and priced; and

It appearing that due notice of filing of said petition was given to all persons interested in the matter and that no opposition has arisen in the premises, and the Director, having duly considered said petition and the subject matter thereof; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.4 (*Code member price index*) is amended by adding thereto Supple-

ment T-I and § 343.21 (*General prices*) is amended by adding thereto Supplement T-II, which supplements dated May 1, 1941, are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 1, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 343.4 *Code member price index*—Supplement T-I. The following shall be listed in alphabetical order:

Producer	Mine	Mine Index No.	County	Sub-district price group
Arrowsmith, Cecil (Black Badger Coal Company).	Black Badger.	153	Lewis...	C
Hillside Coal Mine (Henry LaFreniere).	Hillside.....	154	King....	G

§ 343.21 *General Prices*—Supplement T-II. Insert the following code member names (in alphabetical order), mine names and counties, under Sub-Districts "C" and "G", and the following prices:

Sub-District "C", Arrowsmith, Cecil (Black Badger Coal Company), Black Badger, Lewis.

Size groups													
1	2	3	5	8	12	13	15	16	19	20	21	23	24
435	425	400	350	375	325	250	225	225	300	275	225	175	125

Sub-district "G", Hillside Coal Mine (Henry LaFreniere), Hillside, King.

Size groups													
2	3	4	5	8	9	10	11	12	14	16	19	21	23
490	490	450	450	450	450	400	400	375	360	350	375	325	315

[F. R. Doc. 41-3521; Filed, May 16, 1941; 11:31 a. m.]

[Docket No. A-756]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 NOT HERETOFORE CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

The supplement to the Schedule for District No. 2 for All Shipments Except Truck, annexed to and made a part of the Order of the Director dated April 1, 1941, 6 F.R. 1922, establishing price classifications and effective minimum prices for the coals of the District No. 2 mines included in the above matter, having omitted to show the freight origin group number applicable for all shipments except truck from the Moravia (Strip) mine, Mine Index No. 359, of C. & S. Coal & Clay Company.

Therefore, it is ordered, That § 322.7 (*Alphabetical list of code members*) be amended to show that the necessary or allowable price adjustments for mines in Freight Origin Group No. 19 shall be applicable to the Moravia (Strip) mine, Mine Index No. 359, of C. & S. Coal & Clay Company.

Dated, May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3564; Filed, May 19, 1941; 11:22 a. m.]

[Docket No. A-814]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF JOHN B. MUMBY, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE CLASSIFICATION AND MINIMUM PRICE FOR CERTAIN COALS PRODUCED AT MINE INDEX NUMBERS 326 AND 327 IN THAT DISTRICT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named person, a code member in District No. 14, requesting the establishment of an additional price classification and minimum price for certain coals produced at Mine Index Numbers 326 and 327 in that district; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, in the Schedules of Effective Minimum Prices for District No. 14, § 334.5 (Alphabetical list of code members) appearing under For All Shipments Except Truck, and § 334.24 (General prices) appearing under For Truck Shipments, are supplemented to include for the coals produced at the East Mine (Mine Index No. 326) and the West Mine (Mine Index No. 327) of code member John B. Mumey (Mumey Coal Co.) located in Sebastian County, Arkansas, in Production Group 5 in District No. 14, the following additional price classification and minimum price:

FOR ALL SHIPMENTS EXCEPT TRUCK

Size group, 15; price classification, B.

FOR TRUCK SHIPMENTS

Size group, 15; price in cents per ton, 115.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings in opposition to the final relief requested in said petition, may be filed within forty-five (45) days from date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3563; Filed, May 19, 1941;
11:22 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 51]

AMENDING THE REGULATIONS WITH RESPECT TO SIGNING OFFICIAL PAPERS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume One, Section VIII, Paragraph 169,¹ by striking out the present paragraph and substituting therefor the following:

169. *Signing official papers.* Official papers issued by a local board or board of appeal shall be signed by the chairman or a member of such board where so specified in these regulations or in the forms constituting a part of these regulations. Where no specific provision is made, sig-

¹ 5 F.R. 3784.

nature may be by any board member or, if the board so directs, by a clerk of the board.

LEWIS B. HERSHEY,
Deputy Director.

MAY 15, 1941.

[F. R. Doc. 41-3526; Filed, May 16, 1941;
1:02 p. m.]

[Amendment No. 52]

AMENDING THE REGULATIONS WITH RESPECT TO OFFICE REPAIRS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective ten (10) days after the filing of this amendment with the Division of the Federal Register, Volume Five, Section XLI, Paragraph 520,¹ of the Selective Service Regulations, by striking out the present last sentence of subparagraph d and by inserting in place thereof the following:

Subject to the limitation specified in this paragraph, the State Director of Selective Service may authorize alterations, improvements, and repairs to local and appeal board offices and to State headquarters in an amount not to exceed \$50 in the aggregate for any one office. No alterations, improvements, or repairs to any one office in excess of said \$50 aggregate may be made without the prior approval of the Director of Selective Service upon the recommendation of the State Director of Selective Service.

LEWIS B. HERSHEY,
Deputy Director.

MAY 15, 1941.

[F. R. Doc. 41-3527; Filed, May 16, 1941;
1:02 p. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 20—SPECIAL REGULATIONS

KINGS CANYON NATIONAL PARK

Pursuant to the provisions of section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and section 2 of the Act of March 4, 1940 (54 Stat. 41), the following regulations are prescribed for Kings Canyon National Park:

§ 20.35 *Kings Canyon National Park—(a) Stock driveways.* (1) So long as it may be available for such purpose, the present county road extending from the west boundary near Redwood Gap to Quail Flat junction of the Generals Highway and the old road beyond is designated for the movement of stock and vehicular traffic, without charge, to and from national forest lands on either side of the General Grant Grove section of

¹ 5 F.R. 3937.

the park. Care must be exercised to prevent stock from straying from the right-of-way.

(2) Noonning at Redwood Gap is permitted, provided the stock is first driven beyond the developed area.

(3) In emergencies other stock driveway crossings in the General Grant Grove section of the park may be used without charge under special arrangements first made with the superintendent of the park. (54 Stat. 41)

(b) *Fishing; limit of catch.* The limit of catch per person per day shall be 15 fish or 7 pounds of fish and 1 fish. (39 Stat. 535; 16 U.S.C. 3)

Approved, May 10, 1941.

[SEAL]

OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41-3530; Filed, May 17, 1941;
9:42 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

CALIFORNIA GRAZING DISTRICT NO. 1¹

It is hereby ordered that so much of the Departmental order approved April 8, 1935, establishing California Grazing District No. 1 under the provisions of the act of June 28, 1934 (48 Stat. 1269), as embraces Tps. 30 and 31 S., Rs. 36 and 37 E., California, Mount Diablo meridian, be construed in conformity with recent surveys accepted by the General Land Office to include also the following:

California, Mount Diablo Meridian

Tps. 30 and 31 S., R. 36½ E.

E. K. BURLEW,

Acting Secretary of the Interior.

MAY 8, 1941.

[F. R. Doc. 41-3531; Filed, May 17, 1941;
9:42 a. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 21—Supplement No. 2]

PART 203—ADMISSION TO PRACTICE BEFORE THE COMMISSION

REGISTRATION OF PERSONS ENTITLED TO PRACTICE BEFORE THE UNITED STATES MARITIME COMMISSION

The Rules for the Registration of Persons Entitled to Practice before the United States Maritime Commission, as set forth in General Order No. 21,² dated February 2, 1938 (46 C.F.R. §§ 203.1-203.7), as modified by Supplement No. 1, dated October 15, 1940 (5 F.R. 4131), are hereby amended by adding thereto the following sections:

¹ 3 F.R. 319.

² Affects tabulation in § 502.1d.

§ 203.8 *Former employees*—(a) *Practice prohibited*. No person shall practice, appear, or represent anyone before the Commission in any matter to which he, as member, officer, or employee of the Commission, or as officer or employee of the United States gave personal consideration or as to the facts of which he gained knowledge during and by reason of his Government service.

(b) *Further prohibitions with exceptions*. No former member of the United States Maritime Commission shall practice, appear, or represent anyone before the Commission or act as the employee of an attorney or agent, in any matter which was pending before the Commission during the period of his membership in the Commission. No former officer, or employee of the United States Maritime Commission shall practice, appear, or represent anyone before the Commission, or act as the employee of an attorney or agent, within two years after the termination of his service with the Commission, in any matter which was pending before the Commission during the period of his employment by the Commission, unless he shall first obtain the written consent of the Commission. This consent will not be granted unless it appears that the applicant did not, as officer or employee of the Commission, or as officer or employee of the United States, give personal consideration to the matter, to handle which consent is sought, or gain knowledge of the facts of said matter during and by reason of his Government service.*

*§§ 203.8 to 203.13, inclusive, issued under authority contained in section 204 (b) 49 Stat. 1987; 46 U.S.C. Sup. 1114 (b).

§ 203.9 *Affidavit*. Such applicant shall be required to file an affidavit to the effect that he gave no personal consideration to such matter and gained no knowledge of the facts involved in such matter during and by reason of his Government service, and that he is not associated with, and will not in such matter be associated with, any former member, officer, or employee of the Commission who has gained knowledge of the matter during and by reason of his Government service; and that his employment is not prohibited by any law of the United States or by the regulations of the Commission. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records of the case.*

§ 203.10 *Applications for consent*. Applications for consent should be directed to the Committee on Admission to Practice and should state the former connection with the Commission of the applicant and identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and the application, affidavit, and consent, or refusal to consent, shall be filed by the Commission in its records relative thereto. Separate

consents to appear must be obtained by person to appear in separate cases.*

§ 203.11 *Assistance by former employees*. No one entitled to practice before the Commission shall knowingly (a) assist a person who has been employed by a client to represent him before the Commission in connection with any matter to which such person as a member, officer, or employee of the Commission, or as an officer or employee of the United States, gave personal consideration, or as to the facts of which such person gained personal knowledge during and by reason of his Government service, or (b) accept assistance from any such person in connection with any such matter, or (c) share fees with any such person in connection with such matter.*

§ 203.12 *Practice before the Commission defined*. Practice before the Commission shall be deemed to comprehend all matters connected with the presentation of any matter to the Commission, including the preparation and filing of necessary documents, and correspondence with and communications to the Commission. The term "Commission" as used herein, includes any division, branch, office, or field office of the United States Maritime Commission and any officer or employee of any such division, branch, office, or field office.

§ 203.13 *Application of specific sections*. Notwithstanding anything herein, §§ 203.5, 203.8, 203.9, 203.10, 203.11 and 203.12 shall apply to persons admitted to practice before the Commission and to any person appearing before the Commission on his own behalf or on behalf of a corporation, partnership, or association of which he is an officer or regular employee.*

By Order of the United States Maritime Commission.

W. C. PEET, Jr.,
Secretary.

MAY 9, 1941.

[F. R. Doc. 41-3528; Filed, May 16, 1941; 2:54 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-11562; O. I. No. 6852]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLIAM WHITMAN
COMPANY, INC.

Contract for: Textiles.

Amount: \$3,647,500.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab, for the consideration stated totaling three million, six hundred forty-seven thousand, five hundred dollars (\$3,647,500.00) in

strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$729,500.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives Nos. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3543; Filed, May 19, 1941; 9:21 a. m.]

[Contract No. W 669 qm-11546; O. I. No. 6836]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PACIFIC MILLS

Contract for: Textiles.

Amount, \$2,363,400.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab for the consideration stated totaling Two million, three hundred sixty-three thousand, four hundred dollars (\$2,363,400.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$472,680.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives Nos. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3544; Filed May 19, 1941;
9:22 a. m.]

[Contract No. W 669 qm-11554; O. I. No. 6844]

SUMMARY OF CONTRACT FOR SUPPLIES
CONTRACTOR: LORRAINE MANUFACTURING CO.

Contract for: Textiles.
Amount: \$1,822,500.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab, * * * yards Flannel, Shirting, Olive Drab for the consideration stated totaling one million, eight hundred twenty-two thousand, five hundred dollars (\$1,822,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished. Amount: \$364,500.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives Nos. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,
Major, Signal Corps.
Assistant to the Director of
Purchase and Contracts.

[F. R. Doc. 41-3545, Filed, May 19, 1941;
9:22 a. m.]

[Supplemental Contract No. A]

SUMMARY OF SUPPLEMENTAL CONTRACT¹ TO COST-PLUS-A-FIXED FEE CONTRACT² No. W 6934 QM-1, DATED AUGUST 30, 1940, FOR THE ARCHITECT-ENGINEER SERVICES IN CONNECTION WITH THE CONSTRUCTION AND EQUIPMENT FOR AN AMMUNITION LOADING PLANT AT RAVENNA, OHIO

CONTRACTOR: WILBUR WATSON & ASSOCIATES,
4614 PROSPECT AVENUE, CLEVELAND, OHIO

Estimated cost: (original), \$11,940,000; (supplemental), \$1,175,150; cumulative total, including prior changes, \$13,115,015.

Fixed fee: (original), \$79,200; (supplemental), \$6,530; cumulative total, including prior changes, \$85,730.

Supplemental contract for: Construction and equipping of a primer, detonator, loading and assembly plant at the site of the present Ravenna Ordnance Plant, and the repairing or moving of * * * existing houses for use of military personnel.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 7413 P1-3211 A 0540.067-N, ORD 8234 P1-3211 A 0141-01, the available balance of which is sufficient to cover the cost of same.

This supplemental contract, entered into this 8th day of April 1941.

Now therefore, the parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner: Provide the necessary Architect-Engineer Services incident to the following changes in the work:

1. Add the following to the description of the work now set forth in Section 1, Article I of the principal contract:

The construction and equipping of a primer, detonator, loading and assembly plant at the site of the present Ravenna Ordnance Plant.

The repairing or moving of * * * existing houses for use of military personnel.

2. Add a new paragraph at the end of Section 1, Article I of the principal contract as follows:

The estimated cost of the work included in this Supplemental Contract is \$1,175,015. The total estimated contract cost is \$13,115,015.

4. Delete sub-paragraph "a" of Section 1 of Article VI of the principal contract, relating to the fixed-fee and insert in lieu thereof the following:

a. The fixed-fee in the amount of \$85,730, which shall constitute complete compensation for the Architect-Engineer's Services.

¹ Approved by the Under Secretary of War May 6, 1941.

² 6 F.R. 1067.

The principal contract, except as modified and amended by this instrument, shall be and remain in full force and effect.

This supplemental contract is authorized by Public, No. 705, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3546; Filed, May 19, 1941;
9:22 a. m.]

[Supplemental Contract No. C]

SUMMARY OF SUPPLEMENTAL CONTRACT¹
TO COST-PLUS-A-FIXED-FEE CONTRACT²
No. W 6934 qm-2, DATED AUGUST 30,
1940, FOR THE CONSTRUCTION OF RA-
VENNA ORDNANCE PLANT AT RAVENNA,
OHIO

CONTRACTOR: HUNKIN-CONKEY CONSTRUC-
TION COMPANY, 1740 E. 12TH STREET,
CLEVELAND, OHIO.

Estimated cost: (Original) \$11,564,-
500; (supplemental), \$1,927,399; cumu-
lative total, including prior changes,
\$17,421,254.

Fixed fee: (Original), \$375,500; (sup-
plemental), \$35,601; cumulative total, in-
cluding prior changes, \$489,651.

Supplemental contract for: Construc-
tion and equipping of a primer, detona-
tor and loading and assembly plant at
Ravenna, Ohio.

The supplies and services to be ob-
tained by this instrument are author-
ized by, are for the purpose set forth in,
and are chargeable to, Procurement Au-
thority No. ORD 8234 P13211 A0141-01
the available balance of which is suffi-
cient to cover the cost of same.

This supplemental contract, entered
into this 31st day of March 1941.

Whereas there is now in full force
and effect between the parties hereto
a certain contract which provides for the
construction of and equipment for an
ammunition loading plant, at Ravenna,
Ohio, bearing date of August 30, 1940, as
modified and amended by Supplemental
Contract No. B, and being identified as
Contract No. W 6934 qm-2, (herein-
after referred to as the "principal con-
tract").

Now therefore, the parties do hereby
mutually agree that the said principal
contract above described shall be and
the same is hereby modified for con-
struction and equipping of a Primer,
Detonator and Loading and Assembly
Plant at Ravenna, Ohio.

Add to Section 1, Article I of the prin-
cipal contract a new paragraph between
the second and third paragraphs relating
to the estimated cost and completion
date for the supplemental work to read
as follows:

¹ Approved by the Under Secretary of War
May 6, 1941.

² 5 F.R. 4272.

The estimated cost of the construc-
tion work covered by this supplemental
contract exclusive of the contractor's fee
is \$1,927,399. The total estimated con-
tract cost exclusive of the construction
contractor's fixed-fee is \$17,421,254.

Delete subparagraph (c) of Section 1,
Article I of the principal contract relat-
ing to the fixed-fee, and Insert in lieu
thereof the following paragraph:

A fixed-fee in the amount of \$489,651,
which shall constitute complete compen-
sation for the Contractor's services, in-
cluding profit and all general overhead
expenses.

The principal contract, except as pre-
viously modified and amended by a sup-
plemental contract and by this instru-
ment, shall be and remain in full force
and effect.

This supplemental contract is author-
ized by Public, No. 703, 76th Congress,
Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-3547; Filed, May 19, 1941;
9:22 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-221]

PETITION OF SUNLIGHT COAL COMPANY, A
CODE MEMBER IN DISTRICT NO. 11, FOR
THE ESTABLISHMENT OF ADDITIONAL SIZE
CLASSIFICATIONS AND MINIMUM PRICES
FOR RAILROAD LOCOMOTIVE FUEL SOLD BY
IT AND OTHER ON-LINE MINES WITHIN
SAID DISTRICT TO THE SOUTHERN RAIL-
WAY

ORDER OF DISMISSAL

An original petition, pursuant to sec-
tion 4 II (d) of the Bituminous Coal Act
of 1937, having been duly filed with this
Division in the above-entitled matter;
and

The above-entitled matter having been
assigned for public hearing on May 23,
1941, at 10 o'clock a. m.; and

Original petitioner having filed a mo-
tion to dismiss the above-entitled matter
without prejudice;

It is ordered, That the petition in the
above-entitled matter be, and the same
hereby is, dismissed without prejudice.

Dated: May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3560; Filed, May 19, 1941;
11:21 a. m.]

[Docket No. A-725]

PETITION OF DISTRICT BOARD 11 FOR THE
ESTABLISHMENT OF SEASONAL DISCOUNTS
TO APPLY ON THE SALES OF DISTRICT 11
COALS DURING CERTAIN SPECIFIED
MONTHS, FOR SHIPMENT TO ALL MARKET
AREAS, PURSUANT TO SECTION 4 II (d)
OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-749]

PETITION OF DISTRICT BOARD 9 FOR THE
ESTABLISHMENT OF SEASONAL DISCOUNTS
ON DISTRICT 9 COALS IN SIZE GROUPS 1-6,
INCLUSIVE, AND 8-9, SOLD FOR DOMESTIC
PURPOSES TO RETAIL DEALERS IN CERTAIN
MARKET AREAS DURING THE MONTHS OF
MAY, JUNE, JULY, AND AUGUST, PURSUANT
TO SECTION 4 II (d) OF THE BITUMINOUS
COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER CONCERN- ING TEMPORARY RELIEF

These proceedings were instituted on
original petitions filed with the Bitumi-
nous Coal Division by District Board 11,
on March 4, 1941, (Docket No. A-725)
and by District Board 9, on March 15,
1941, (Docket No. A-749). District
Board 11 requests that seasonal dis-
counts be permitted from the effective
minimum prices for District 11 coals, in
Size Groups 1-6, 8, and 9, for shipment to
Market Areas 20-28 and 30-34, compa-
rable to the seasonal discounts effective
for District 8 coals; and, in Size Groups
1-5 and 8, for shipment to all market
areas except Market Areas 20-28 and
30-34, comparable to the seasonal dis-
counts effective in Price Groups 1-8 and
11 in District 10. District Board 9 re-
quests that seasonal discounts be permit-
ted for District 9 coals, in Size Groups
1-6, 8, and 9, for shipment to retail deal-
ers for domestic use only, in certain mar-
ket areas, during the months of May,
June, July, and August.

District Board 7 and Franklin County
Coal Corporation, et al, code members
in District 10, intervened in both dock-
ets in opposition to granting the relief
requested Central States Collieries, et
al., also code members in District 10 but
not permitted to make sales at sea-
sonal discounts, likewise intervened in
opposition to the relief requested in both
dockets, but urged that if any relief
should be granted, a similar measure of
relief should be granted to the inter-
veners. District Boards 1 and 2 inter-
vened generally, and District Board 4,
in opposition, in Docket No. A-725. Dis-
trict Boards 8, 10, and 11 intervened in
opposition in Docket No. A-749. Con-
sumers' Counsel entered an appearance
in both dockets and District Board 8,
though it did not intervene, participated
as an interested party at the hearing in
Docket No. A-725.

Pursuant to orders of the Director and
after due notice to all interested persons,
hearings were held before duly design-
ated Examiners of the Division. Sub-
sequent thereto, District Boards 9 and
11, and Central States Collieries, et al.,
filed motions requesting the granting
of temporary relief, pending final dis-
position of these proceedings, on the
basis of the record made at the hear-
ings. District Board 10 and Franklin
County Coal Corporation, et al., filed
objections to these motions.

The Schedule of Effective Minimum
Prices for District No. 8 defines "indus-
trial" coal as coal used in industrial

plants which buy and receive coal in carload quantities for their own use and which have physical or waterway connection for receiving coal. All other coal is defined as "domestic" coal. (Price Instructions 12 and 13.) Seasonal discounts from the effective minimum prices are permitted on shipments of high volatile domestic coals during the months of April to August, to Market Areas 20-28, and 30-34, among others. They range in amount from 50 cents per ton for Size Groups 1-2 in April to 5 cents per ton for Size Groups 3-9 in August. The above distinction between "industrial" and "domestic" coals does not obtain in District 11.

The Schedule of Effective Minimum Prices for District No. 10 provides that "when domestic coals in Size Groups 1, 2, 3, 5 or 8 are shipped only to retail dealers during the months of May to August, inclusive, from mines in Price Groups Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 11, the (effective minimum) prices listed herein for such coals will be reduced" in accordance with a graduated scale of reductions ranging from 50 cents per ton for shipments of Size Group 1 coals in May to 5 cents per ton on shipments of Size Group 8 coals in August. (Price Exception 7.) The price groups referred to consist generally of those mines producing high quality base coals in Southern Illinois; such mines are those of the interveners Franklin County Coal Corporation, et al. Mines in the other producing fields in Illinois, among them those of interveners Central States Collieries, et al. are not in the price groups mentioned and may not sell at seasonal discounts in the summer months.

District Board 11 asks that all coals in District 11, for shipment to Market Areas 20-28 and 30-34, be granted discounts similar to those for District 8 coals; and for shipment to all other market areas, be granted discounts similar to those for the base Southern Illinois coals of District 10.

The Schedule of Effective Minimum Prices for District No. 13 provides that when coals of that district, in Size Groups 1, 2, 4, 5, 6 and 7 are sold for domestic use during the months of April to October, seasonal discounts, graduated from 75 cents to 5 cents per ton according to size and month, may be made from effective prices.

District Board 9 asks that seasonal discounts be permitted for shipments of District 9 coals so they can maintain proper competitive relationships with Districts 8, 10 and 13, on the domestic sizes.

Apparently the size group descriptions in the price schedules for Districts 9, 10 and 11 are similar, but those in the Districts 8 and 13 schedules are different from the descriptions in the schedules for Districts 9 and 11. District Board 11 requested some variation from the District 8 discounts to take these size group variations into account.

In General Docket No. 15, the Director found that the demand for domestic coals

declines markedly during the late spring and summer months; that in order to stimulate the movement of domestic coals during those months and to induce retail yards and domestic consumers to purchase in advance and to store their next winter requirements, it was the custom of certain producers to allow discounts or price reductions; that only the firm structure coals suitable for storing, however, were affected by this practice; that the District 8 high volatile coals, the District 13 coals, and the Southern Illinois coals were of this type; that the District 9 coals, District 11 coals, and District 10 coals other than the coals of Southern Illinois were friable, subject to degradation, and unsuitable for stocking; and, that it had never been the custom of producers of such soft friable coals to offer them, or of retailers or consumers to purchase them, for storing during the summer months. Consequently, seasonal discounts were permitted for the firm structure coals suitable for stocking only and denied for the others which were not suitable and had never been used for storing. The evidence in this record seems to be generally cumulative and corroborative of the ultimate facts found in General Docket No. 15.

It does appear, however, that the West Kentucky and Indiana coals are not uniformly friable, and it seems that the Brazil Block and Glendora coals, and coals produced at the King Station Mine of the Princeton Mining Company in District 11 and the VI Vein coals and coals produced at the Sentry Mine of the Sentry Mining Company in District 9, are purchased during the summer months in quantities greater than other Districts 11 and 9 coals and more nearly approach the District 8, District 13 and Southern Illinois coals in so far as summer demand is concerned. There appears to be testimony to this effect and in justification of the extension of seasonal discount privileges to such coals.

It further appears from the record that if reasonable discounts are not permitted for shipments from these mines (the King Station, Brazil Block and Glendora Mines in District 11 and the Sentry and VI Vein Mines in District 9), they will either have to crush the coarse coals (if facilities are available) or curtail operations during the late spring and summer months and that either of these courses would increase the costs of the producers involved, decrease their realization, and prejudice their competitive status.

Since it appears that April is mostly a consuming rather than a stocking month, and since in any event it has already passed, there is no need to consider the necessity of granting temporary relief regarding shipments in that month. It is my opinion, however, in view of the representations made and the indications from this record, that the privilege of granting seasonal discounts should be extended to the King Station, Brazil Block and Glendora Mines in District 11

and to the Sentry and VI Vein Mines in District 9, for shipments during the months of May, June, July and August. Such discounts should be in the amounts hereinafter set forth in the ordaining clauses of this memorandum and order.

With respect to the mines in District 11, other than the King Station, Brazil Block and Glendora Mines; the mines in District 10, other than those in Price Groups 1-8 and 11; and the mines in District 9, other than the Sentry and VI Vein Mines, it appears that their coals are soft, friable, not adaptable to storing, and have not been stored in any significant quantities in the past. It does not seem that producers of such coals will be prejudiced by the failure to permit seasonal discounts for them, pending final disposition of this proceeding.

Now, therefore, it is ordered, That a reasonable showing having been made of actual or impending injury in the event such relief is not granted, and an adequate showing having been made that other interested parties will not be unduly prejudiced by the granting of such relief, pending final disposition of the petitions in this matter, temporary relief is granted as follows:

1. Commencing forthwith, the Schedule of Effective Minimum Prices for District 9 for All Shipments Except Truck is amended by the inclusion of the following Price Exception:

Seasonal discounts. When domestic coals in Size Group Nos. 1, 2, 3, 5 or 8 are shipped to Retail Dealers only, during the months of May to August, inclusive, from mines in the first and second groups as shown on all Price Tables in the District No. 9 Schedule (Sentry Coal Mining Company, Sentry Mine, and all VI Vein Mines), the prices listed herein for such coals will be reduced as follows:

Size groups	May	June	July	August
	Cents	Cents	Cents	Cents
1.....	50	35	20	10
2.....	40	30	20	10
3.....	40	30	20	10
5.....	20	15	10	05
8.....	20	15	10	05

Such reductions are also applicable to all mines for which the same effective minimum prices for rail shipments have been established subsequent to the issuance of Price Schedule No. 1 for District No. 9, as were previously effective for mines included in the said first and second groups.

2. Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is amended by the inclusion of the following Price Exception:

Seasonal discounts. When domestic coals in Size Groups Nos. 1, 2, 3, 5 or 8 are shipped to Retail Dealers only, during the months of May to August, inclusive, from Mines in Price Group Nos. 6 and 14, the prices listed herein for such coals will be reduced as follows:

Size groups	May	June	July	August
	Cents	Cents	Cents	Cents
1.....	50	35	20	10
2.....	40	30	20	10
3.....	40	30	20	10
5.....	20	15	10	05
8.....	20	15	10	05

When domestic coals in Size Groups Nos. 1 and 2 are shipped to Retail Dealers only during the months of May to August, inclusive, from Mines in Price Group Nos. 15, 16 and 17, the prices listed herein for such coals will be reduced as follows:

Size groups	May	June	July	August
	Cents	Cents	Cents	Cents
1.....	50	35	20	10
2.....	40	30	20	10

Provided, however, That any code members, who sell coal at minimum prices which reflect the seasonal discount pursuant to this order, shall, on the 10th day of June and of each month thereafter, submit monthly reports showing for the preceding month, the tonnage of coals in each size group shipped subject to such seasonal discounts; and the tonnages in each size group shipped to retail dealers for domestic use, noting thereon the destinations and the market areas to which all such tonnages were shipped. Such monthly reports shall be filed in and become a part of the records in Dockets Nos. A-725 and A-749, and it is so ordered.

Nothing contained herein shall be taken to express the Director's views concerning the final disposition of any of the matters involved herein.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: May 15, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3561; Filed, May 19, 1941; 11:21 a. m.]

[Docket No. A-780]

PETITION OF DELTA MINING COMPANY, SAHARA COAL COMPANY AND THE UNITED ELECTRIC COAL COMPANIES, CODE MEMBER PRODUCERS IN DISTRICT NO. 10 FOR A CHANGE IN THE DISTRICT NO. 10 SCHEDULE OF MINIMUM PRICES FOR COAL SOLD AT MINIMUM F. O. B. MINE PRICES FOR F. A. S. DELIVERY TO RETAIL DEALERS ON OR OVER THE MUNICIPAL DOCKS AT MINNEAPOLIS AND ST. PAUL, MINNESOTA, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

District Board 2, intervener herein, having filed a written motion requesting

No. 98—3

postponement of the hearing in this proceeding scheduled for May 21, 1941, and having shown good cause for such postponement; and

There being no opposition to such motion;

It is therefore ordered, That the hearing in the above proceeding be and it is hereby postponed from May 21, 1941 to 10 a. m. on May 27, 1941. In all other respects the Notice of and Order for Hearing, dated April 18, 1941, shall remain in full force and effect.

Dated: May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3559; Filed, May 19, 1941; 11:20 a. m.]

[Docket No. A-810]

PETITION OF THE CITY OF DETROIT FOR AMENDMENT TO AND MODIFICATION OF THE MARKETING RULES AND REGULATIONS INCIDENT TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS IN ALL DISTRICTS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937, AND IN RE REQUEST FOR RELIEF IN RESPECT TO RULE 6 OF SECTION VIII OF THE MARKETING RULES AND REGULATIONS AND PROPOSED AMENDMENT AND MODIFICATION THEREOF

ORDER POSTPONING HEARING

The Bituminous Coal Producers Board for District No. 7, intervening petitioner in the above-entitled matter, having moved that the hearing herein, heretofore scheduled for May 21, 1941, should be postponed until May 28, 1941, and having shown good cause why such hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of May 21, 1941, until 10 o'clock in the forenoon of May 28, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until May 23, 1941.

Dated: May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3558; Filed, May 19, 1941; 11:20 a. m.]

[Docket No. 1622-FD]

IN THE MATTER OF J. Q. CLARKE COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 1618, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

A Notice of and Order for Hearing having been made by the Director on April 23, 1941, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors, promulgated by the Division pursuant to section 4 II (h) of the Bituminous Coal

Act of 1937 (the "Act"), to determine whether the defendant has violated the Bituminous Coal Code (the "Code") and regulations thereunder in any manner and whether the registration of said defendant as a distributor should be revoked or suspended by reason of said violations and having been duly served on the defendant on April 26, 1941.

The defendant, (a) having admitted by stipulation made May 6, 1941, copy of which is hereto annexed and made a part hereof, violations by it of section 4 II (h) of the Act, sections (a), (b), and (e) of the agreement executed by the defendant, pursuant to the Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, (hereinafter referred to as "Distributor's Agreement"), the Marketing Rules and Regulations, and §§ 304.12 (b), (1), (2), and (5), and 304.19 (a) of the Rules and Regulations for the Registration of Distributors, in the manner and in connection with the matters which are fully set forth in said stipulation; (b) having consented to making and entry of this order of suspension; (c) having stipulated and agreed that during the period during which said suspension shall continue in effect it will not act as sales agent or in any other capacity by reason of which it will become entitled to any sales agent's commission; (d) having stipulated and agreed that it will refund promptly all of the discounts from effective minimum prices improperly received by it as more fully set forth in said stipulation to the code members who produced the coal on which such unlawful discounts were received, and will promptly file with the Division evidence that such discounts have been so repaid; and (e) having agreed that it will during the entire period of suspension provided for in said Order faithfully observe and abide by the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all Orders of the Division including but not in limitation hereof Order No. 313.

It is hereby found that the defendant, J. Q. Clarke Coal Company, Inc., has violated section 4 II (h) of the Act, sections (a), (b), and (e) of the Distributor's Agreement, the Marketing Rules and Regulations, and §§ 304.12 (b), (1), (2), and (5), and 304.19 (a) of the Rules and Regulations for the Registration of Distributors, by accepting and retaining unlawful discounts from effective minimum prices as follows:

(a) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices on 171 cars of coal, aggregating approximately 7,541.05 tons, produced by the Wheeling Valley Coal Company, a code member, and purchased by defendant during the period October 1, 1940, to February 4, 1941, both dates inclusive, from the Costanzo Coal Mining Company, and resold by it in less than cargo or railroad carload lots and

physically handled by it in making such resales, whereas no discounts were allowable on such coal.

(b) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices on 12 cars of coal, aggregating approximately 509.25 tons, produced by the Wheeling Valley Coal Company, a code member, and purchased by it during the period October 17, 1940, to February 3, 1941, both dates inclusive, from the Costanzo Coal Mining Company, and resold by it to others than retail dealers, the allowable maximum discount being 12 cents per net ton.

(c) By accepting and retaining a discount of 17 cents per net ton from the effective minimum prices on 13 cars of coal, aggregating approximately 630.35 tons, produced by the Grasso Coal Mining Co., a code member, and purchased by it during the period November 29, 1940, to February 4, 1941, both dates inclusive, from C. L. Amos Coal Company, and resold by it in less than cargo or railroad carload lots and physically handled by it in making such resales, whereas no discounts were allowable on such coal.

(d) By accepting and retaining a discount of 12 cents per net ton from the effective minimum prices on 13 cars of coal, aggregating approximately 620.7 tons, produced by the Baton Coal Company, code member in District No. 2, and purchased by the defendant from said code member during the period October 1, 1940, to February 4, 1941, both dates inclusive, and resold by the defendant in less than cargo or railroad carload lots and physically handled by it in making such resale, whereas no discounts were allowable on such coal.

Now, therefore, based upon the above findings, and upon the defendant's stipulation and agreement that during the period of suspension as hereinafter ordered, defendant will not act as sales agent or in any other capacity by reason of which it may become entitled to any sales agent's commission, and also upon defendant's agreement to refund to the said code members the discounts unlawfully accepted by it, as follows:

(a) \$1,307.44 to the Wheeling Valley Coal Company;

(b) \$107.16 to Grasso Coal Mining Company; and

(c) \$74.48 to the Baton Coal Company.

It is ordered, That the registration of the defendant, J. Q. Clarke Coal Company, Inc., as a distributor, is hereby suspended from the date of service hereof upon the defendant to and including September 30, 1941, and that the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all affiliates of the defendant, shall be and are hereby prohibited from receiving or accepting any discounts as registered distributor, either directly or indirectly, on coal purchased by them or

any of them during said period of suspension; *Provided, however,* That if the defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors within said period of suspension, said suspension shall continue in full force and effect until five days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant, during such period of suspension, shall continue fully to observe, abide by, and remain in all respects subject to, all pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all Orders of the Division including but not in limitation thereof Order No. 313.

It is further ordered, That in the event that the defendant shall hereafter violate any of its agreements set forth in said stipulation, this matter may be reopened and such action taken and orders entered herein, as to the Director may seem just and proper under the circumstances; and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated, May 16, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-3562; Filed, May 19, 1941;
11:21 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 581]

ALLOCATION OF FUNDS FOR LOANS

MAY 13, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Arkansas 1032A1 Benton.....	\$58,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-3552; Filed, May 19, 1941;
11:12 a. m.]

[Administrative Order No. 582]

ALLOCATION OF FUNDS FOR LOANS

MAY 13, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Kentucky 1054W2 Wayne.....	\$5,000
Kentucky 1055W4 Henderson-	
Union.....	5,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-3553; Filed, May 19, 1941;
11:13 a. m.]

[Administrative Order No. 583]

ALLOCATION OF FUNDS FOR LOANS, AMENDMENTS

MAY 13, 1941.

I hereby amend:

(a) Administrative Order No. 515, dated September 6, 1940, by reducing the allocation of \$343,000 therein made for "North Dakota 1011E1 Cass" by \$160,000, so that the reduced allocation shall be \$183,000;

(b) Administrative Order No. 576, dated April 21, 1941, by rescinding the allocation of \$5,000 therein made for "Tennessee 1045W1 LaFollette Public."

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-3554; Filed, May 19, 1941;
11:13 a. m.]

[Administrative Order No. 584]

ALLOCATION OF FUNDS FOR LOANS

MAY 13, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 1026B2 Fulton.....	\$9,509
Arkansas 1-0026B3 Fulton.....	5,491
Kentucky 1003C2 Jackson.....	43,000
Kentucky 1033E2 Davless.....	49,000
Mississippi 1040D1 Smith.....	297,000
Missouri 1024C2 Callaway.....	3,000
Missouri 1-0024C3 Callaway.....	7,000
North Dakota 1021A1 Sargent.....	160,000
Texas 1041E2 Panola.....	18,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-3555; Filed, May 19, 1941;
11:13 a. m.]

[Administrative Order No. 585]

ALLOCATION OF FUNDS FOR LOANS, AMENDMENTS

MAY 13, 1941.

I hereby amend:

(a) Administrative Order No. 537, dated November 2, 1940, by rescinding the allocation of \$28,000 therein made

for "Washington 1029A1 Skamania District Public;"

(b) Administrative Order No. 534, dated October 30, 1940, by rescinding the allocation of \$51,000 therein made for "Washington 1033A1 Mason District Public."

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-3556; Filed, May 19, 1941;
11:13 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and
Navigation.

[Order No. 114]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

May 17, 1941.

Pursuant to the authority conferred by sections 4405, and 4417a, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and R. E. Coombs, Supervising Inspector of the Fifth District, Cincinnati, to take place in the office of the Director in the Department of Commerce, commencing at 9 a. m. May 19, 1941, for the purpose of considering amendments to the General Rules and Regulations; approvals of miscellaneous items of equipment for use on inspected vessels; and such other business as may come before the meeting.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-3550; Filed, May 19, 1941;
11:10 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE APPLICATION OF THE CALIFORNIA WAREHOUSEMEN'S ASSOCIATION FOR THE EXEMPTION OF THE FLAT WAREHOUSING OF GRAIN, AND THE STORAGE OF OTHER AGRICULTURAL COMMODITIES FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

NOTICE OF HEARING

Whereas an application was filed by the California Warehousemen's Association for the exemption of the storage, including the handling, rehandling and cleaning, of grain and other agricultural commodities in their raw and natural state from the maximum hours provisions of the Fair Labor Standards Act as a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder; and

Whereas the above application was placed in the record of a public hearing held in Chicago, Illinois, on December 9, 1940 before Burton D. Seeley, Presiding Officer, the representative of the Administrator duly authorized to take testimony, hear argument, and determine whether the storing of grain, including flax, buckwheat, and soy beans separately or in combination with grass or legume seeds, by country, sub-terminal, and mill elevators, or any subdivisions thereof are industries of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of the industries; and

Whereas, following said hearing, the aforesaid Burton D. Seeley, Presiding Officer, duly filed on April 11, 1941, his Findings and Determination, part of which stated:

No determination is possible on the flat warehousing of grain by processors other than flour millers, or the storage of grain in combination with grass or legume seeds; and

Whereas a petition for a rehearing in order to present additional evidence relating to the flat warehousing of grain in sacks, in California, a copy of which is on file in Room 5144, Department of Labor Building, Washington, D. C., and is available for examination by all interested parties, has been duly filed by the California Warehousemen's Association;

Whereas on May 14, 1941 said petition for rehearing in the matter of the flat warehousing of grain in sacks, in California, was duly granted by the Acting Administrator and the matter remanded to the Director of the Hearings Branch of the Wage and Hour Division for the purpose of holding such a rehearing;

Now, therefore, notice is hereby given of a public hearing to be held at Room 317, Humboldt Bank Building, 785 Market Street, San Francisco, California, to commence at 10 o'clock a. m. on June 2, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct such hearing, take testimony, and hear arguments for the purpose of determining:

Whether the flat warehousing of grain, and the storage of other agricultural commodities in California and other western states is a branch or branches of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, and if so the appropriate limits of said branch or branches of the industry.

Any person interested in being heard on this matter may appear at the hearing or file a written statement in lieu of personal appearance. Written statements should be filed with the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C., at any time prior to the date of the hear-

ing or with the Presiding Officer at the time of the hearing.

Signed at Washington, D. C. this 17th day of May 1941.

[SEAL]

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-3575; Filed, May 19, 1941;
11:40 a. m.]

IN THE MATTER OF THE APPLICATION FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

NOTICE OF HEARING

Whereas upon consideration of an application filed by the Kuder Citrus Pulp Company, Florida and sundry other processors of citrus pulp and waste for the exemption of the dehydrating of citrus pulp and waste from the maximum hours provisions of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the act and Part 526 as amended of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the dehydrating of citrus pulp and waste, and notice thereof was published in the FEDERAL REGISTER under date of March 29, 1941, in accordance with the procedure established by § 526.5 (b) (ii) of the said regulations.

Whereas, within fifteen days following the publication of that preliminary determination, the Administrator received an objection to such determination:

Now, therefore, notice is hereby given of a public hearing to be held pursuant to §§ 526.5 and 526.6 of said regulations at Room 229, Federal Building, Los Angeles, California, to commence at 10:00 a. m. on June 5, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony, and hear arguments for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder, and if so the appropriate limits of said industry.

Any person interested in being heard on this matter may appear at the hearing or file a written statement in lieu of personal appearance. Written statements should be filed with the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C., at any time prior to the date of the hearing or with the Presiding Officer at the hearing.

Signed at Washington, D. C., this 17th day of May 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-3574; Filed, May 19, 1941;
11:40 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective May 19, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

A. Brandt Upholstering Company, Inc., 1701 E. Lancaster Avenue, Fort Worth, Texas; Upholstered Furniture; 7 learners; 8 weeks for any one learner; 25 cents per hour; Springer, Trimmer, Sewing Machine Operator, Woodworking Machine Operator; October 6, 1941.

Cambridge Hinge Tube & Chaplet Works Inc., Main Street, Cambridge, New York; Hinge Tubes and Chaplets for Foundry Industry; 3 learners; 4 weeks for any one learner; 25 cents per hour; Blanker, Bender, Swedger; June 30, 1941.

The Davidson Broom Company, Newsum, North Carolina; Household Brooms; 2 learners; 4 weeks for any one learner; 25 cents per hour; Broom Winder; August 25, 1941.

M. Feld, 495 Highland Avenue, Clifton, New Jersey; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

I. Friedman, 60 Hadley Avenue, Clifton, N. J.; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

I. Friedman, 275 Chestnut Street, Passaic, New Jersey; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

Lieberman Brothers, 347 Broadway, Passaic, New Jersey; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks

for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

Lovely Lady Comfort Company, 3rd & Ontario Street, Philadelphia, Pennsylvania; Comforts; 5 learners; six weeks for any one learner; 25 cents per hour; Seamer on Comforts; July 14, 1941.

Perfect-Fit Products Manufacturing Company, 324-26 Market Street, Philadelphia, Pennsylvania; Mattress, Comfort and Ironing Board Covers, & Pillow Ticks; 3 learners; four weeks for any one learner; 25 cents per hour; Sewing Machine Operator; November 19, 1941.

M. Shack, 101 Monroe Street, Garfield, New Jersey; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

Hobart Whritenour, 362 Broadway, Passaic, New Jersey; Hand Machine Embroidery on Handkerchiefs, linens and kindred products; 2 learners; six weeks for any one learner; 28 cents per hour; Spanner-Helper; November 19, 1941.

Signed at Washington, D. C., this 19th day of May 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-3572; Filed, May 19, 1941; 11:39 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms

and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective May 19, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

J. O. Ballard and Company, Pine Street, Malone, New York; Apparel; Single Pants & Breeches other than 100% Cotton, Mackinaws & Hunting Coats; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Becker Dress, Inc., 113 Water Street, Baltimore, Maryland; Apparel; Dresses; 20 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Bell Garment Manufacturing Corporation, 3021 West Martin Street, San Antonio, Texas; Apparel; Children's Outergarments; 27 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Berlin Glove Company, 615 Fox Alley, Berlin, Wisconsin; Apparel; Sportswear & Washable Service Apparel; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Brody-Lewis Manufacturing Company, 203 South Tenth Street, Omaha, Nebraska; Apparel; Cotton Trousers; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Durable Pants Company, Inc., Main Street, Egypt, Pennsylvania; Apparel; Men's Trousers; 100 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Frackville Manufacturing Company, Inc., Broad M Avenue & Ash Street, Frackville, Pennsylvania; Apparel; Nightgowns & Pajamas; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

The Great Six Company, 430 First Avenue, North, Minneapolis, Minnesota; Apparel; Sportswear; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Kramer Tie Company, 26 East Fourteenth Street, Bayonne, New Jersey; Apparel; Men's Neckwear; 10 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Leather Products Company, Inc., 2 Norman Street, Bridgeport, Connecticut; Apparel; Men's & Boys' Leather Sportswear; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Mack Shirt Corporation, 209 E. 6th Street, Cincinnati, Ohio; Apparel; Dress Shirts & Sport Shirts; 5 percent (75% of the applicable hourly minimum wage); May 19, 1942.

Mack Shirt Corporation, 1660 Central Avenue, Cincinnati, Ohio; Apparel; Sport

Shirts & Pajamas; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

Maiden Form Brassiere Company, Inc., 154 Avenue E, Bayonne, New Jersey; Apparel; Braissieres & Corsets; 5 percent (75% of the applicable hourly minimum wage); May 19, 1942. (This certificate replaces one effective Sept. 27, 1940.)

Maiden Form Brassiere Company, Inc., 154 Avenue E, Bayonne, New Jersey; Apparel; Braissieres & Corsets; 100 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Martha and Lillian Corporation, 521 Iron Street, Negaunee, Michigan; Apparel; Dresses; 20 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Middletown Underwear Company, Inc., 14 Montgomery Street, Middletown, N. Y.; Apparel; Slips & Pajamas; 20 learners (75% of the applicable hourly minimum wage); September 22, 1941.

New Era Shirt Company, 901 Lucas Avenue, St. Louis, Missouri; Apparel; Shirts; 35 learners (75% of the applicable hourly minimum wage); September 15, 1941.

The S & S Manufacturing Company, 379 Pleasant Street, Fall River, Massachusetts; Apparel; Children's Dresses; 5 learners (75% of the applicable hourly minimum wage); May 19, 1942.

U. P. Dress Manufacturing Company, 119 Baraga Avenue, Marquette, Michigan; Apparel; Dresses; 17 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Winer Manufacturing Company, Inc., 231 Condit Street, Hammond, Indiana; Apparel; Mackinaws, Rayon & Cotton Sport Ensembles; 20 learners (75% of the applicable hourly minimum wage); September 15, 1941.

Chippewa Glove Company, Chippewa Falls, Wisconsin; Gloves; Work Gloves; 10 learners; November 19, 1941.

Joseph A. Milstein Company, 104 Fuller Street, Schenectady, New York; Gloves; Knit Wool Gloves; 10 percent; November 19, 1941.

Nation-Wide Manufacturing Company, Pontiac, Illinois; Gloves; Work and Leather Dress Gloves; 35 learners; November 19, 1941.

Archer Hosiery Mills, Talbotton Avenue, Columbus, Georgia; Hosiery; Full fashioned hosiery; 25 learners; January 19, 1942. (This certificate replaces one issued effective October 29, 1940.)

Arlington Hosiery Mills, 613 Market Street, Sunbury, Pennsylvania; Hosiery; Full fashioned hosiery; 5 learners; May 19, 1942.

Duke Hosiery Corporation, 4th & Highland Avenue, Hickory, North Carolina; Hosiery; Seamless Hosiery; 10 learners; January 19, 1942.

J. Z. Erwin Hosiery, Inc., South Main Street, Graham, North Carolina; Hosiery; Full fashioned hosiery; 5 learners; May 19, 1942.

H. H. Fessler Knitting Company, 224 East Tammany Street, Orwigsburg,

Pennsylvania; Knitted Wear; Knitted Underwear; 5 learners; May 19, 1942.

I. Mathews & Brothers, 120 Sawyer Street, New Bedford, Massachusetts; Knitted Wear; Ladies' & Children's Knitted Underwear; 5 learners; May 19, 1942.

United Underwear Mill, 513-521 Rhoads Avenue, Boyertown, Pennsylvania; Knitted Wear; Knitted Underwear; 2 learners; May 19, 1942.

Blue Bird Silk Manufacturing Company, Inc., Hartley Street & Maryland Avenue, York, Pennsylvania; Textile; Broad silk fancies for neckties; 30 learners; September 1, 1941.

Kahn & Feldman, Inc., 360 Suydam Street, Brooklyn, New York; Textile; Silk Throwing; 3 per cent; May 19, 1942.

A. Schottland, Inc., South Grace Street, Rocky Mount, North Carolina; Textile; Rayon & Acetate Fabrics; 3 percent; May 19, 1942.

J. O. Ballard and Company, Pine Street, Malone, New York; Woolen; Mackinaw, Top Coatings & Work Pantings Fabrics; 2 learners; May 19, 1942.

Hardwick Woolen Mills, Inc., Church Street, Cleveland, Tennessee; Woolen; Woolen Cloth; 3 percent; May 19, 1942.

Signed at Washington, D. C., this 19th day of May 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-3573; Filed, May 19, 1941; 11:39 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6048]

NOTICE RELATIVE TO NATCHEZ RADIO CORPORATION (NEW)

Application dated December 30, 1940 for construction permit; class of service, broadcast; class of station, broadcast; location, Natchez, Mississippi; operating assignment specified: Frequency, 1370 kc. (1400 kc. under NARBA); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's financial and other qualifications to construct and operate the proposed station in the public interest.

2. To determine the facts and circumstances leading to (a) the organization of the applicant corporation and (b) the filing of the application; with particular reference to the truthfulness of certain statements made in the application concerning these matters.

3. To determine whether there are in existence any understandings, options, or agreements, written or verbal, expressed or implied, not at present disclosed to this Commission (a) as between any of the present stockholders of the applicant cor-

poration or (b) as between such stockholders and other parties affecting the present or future ownership, sale or transfer of shares of stock in the said corporation.

4. To determine the type and character of the service which the applicant may be expected to render if granted a permit to construct a station; and, in particular, to determine the bona fides of representations made in the application concerning applicant's proposal to render an exclusively local, non-network program service.

5. To determine, in the light of the facts to be adduced under the four preceding issues, whether public interest, convenience or necessity will be served through a grant of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Natchez Radio Corporation,
405 Franklin Street,
Natchez, Mississippi.

Dated at Washington, D. C., May 14, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-3532; Filed, May 17, 1941; 9:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5693]

IN THE MATTER OF THE NEVADA-CALIFORNIA ELECTRIC CORPORATION

NOTICE OF APPLICATION

MAY 17, 1941.

Notice is hereby given that on May 15, 1941, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by the Nevada-California Electric Corporation, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing 115,000 shares of \$3 Cumulative Preferred Stock, \$50 par value, (of which 105,023 shares are to be issued immediately) and 1,200,000 shares of common stock (of which 630,138 shares are to be issued

immediately); all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 31st day of May 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

J. H. GUTRIE,
Acting Secretary.

[F. R. Doc. 41-3542; Filed, May 19, 1941;
9:21 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4487]

IN THE MATTER OF PACIFIC FRUIT &
PRODUCE COMPANY, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIX- ING TIME AND PLACE FOR TAKING TESTI- MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41)

It is ordered, That William C. Reeves, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, June 6, 1941, at nine thirty o'clock in the forenoon of that day (Pacific Standard Time), in the Chamber of Commerce rooms, City Hall, Corner Third and Rose Streets, Walla Walla, Washington.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-3557; Filed, May 19, 1941;
11:17 a. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File No. 1-627]

IN THE MATTER OF PROCEEDING UNDER SEC-
TION 19 (a) (2) OF THE SECURITIES EX-
CHANGE ACT OF 1934, AS AMENDED, TO
DETERMINE WHETHER THE REGISTRATION
OF A. HOLLANDER & SON, INC., CAPITAL

STOCK \$5 PAR VALUE SHOULD BE SUS-
PENDED OR WITHDRAWN

ORDER DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 15th day of May, A. D. 1941.

The Commission having instituted a proceeding pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration of the capital stock, \$5 par value, of A. Hollander & Son, Inc., on the New York Stock Exchange, should be suspended or withdrawn;

The Commission having issued on February 6, 1941, its Findings and Opinion herein, and an Order, which Order provides in part, as follows:

It is ordered, That the registration of the capital stock, \$5.00 par value, of A. Hollander & Son, Inc., shall be withdrawn ninety days after the date hereof: *Provided, however*, That, if registrant, within said ninety-day period, shall:

(a) file amendments to its registration statement and annual reports which will make the public record accurate and complete;

(b) mail a copy of the Commission's Findings and Opinion herein to each of its stockholders of record; and

(c) undertake, in the future, to file with the Commission and with the New York Stock Exchange, as documents available to the public, quarterly reports summarizing the material transactions during the preceding three months between the registrant, on the one hand, and its officers and directors and the controlled corporations of such officers and directors, on the other, and, in its annual reports to stockholders, to summarize all such transactions taking place during the preceding year;

and the Commission shall by order declare that the registrant has complied with the procedure outlined above, this order shall be of no effect and this proceeding shall be dismissed, without prejudice, however, to future proceedings should any of the terms of this order be violated or on any other proper ground.

The registrant having requested additional time within which to comply with the procedure outlined in the Commission's Order and having shown good cause for such request; and the Commission having issued an Order on May 5, 1941, extending to May 17, 1941, the time within which registrant might comply with such procedure; and

It appearing that the registrant has submitted an affidavit stating that it has mailed a copy of the Commission's Findings and Opinion herein to each of its stockholders of record; that the registrant has filed an agreement that it will, in the future, file with the Commission and with the New York Stock Exchange,

as documents available to the public, quarterly reports summarizing the material transactions during the preceding three months between the registrant, on the one hand, and its officers and directors and the controlled corporations of such officers and directors, on the other, and in its annual reports to stockholders will summarize all such transactions taking place during the year; and that the registrant has filed amendments to its registration statement and annual reports to make the public record accurate and complete;

The Commission hereby declares that the registrant has complied with the procedure outlined in its Order of February 6, 1941; and

It is ordered, That our Order of February 6, 1941, shall be of no further effect and that this proceeding shall be and it hereby is dismissed, without prejudice, however, to future proceedings should it appear that any of the conditions or undertakings described above have not been fully complied with or on any other proper ground.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3568; Filed, May 19, 1941;
11:35 a. m.]

[File No. 70-306]

IN THE MATTER OF LOUISVILLE GAS AND
ELECTRIC COMPANY (KENTUCKY), AND
LOUISVILLE GAS AND ELECTRIC COMPANY
(DELAWARE)

ORDER GRANTING APPLICATION AND PERMIT- TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1941.

The above named parties having filed an application and declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 9 (a), 10, 12 (c), 12 (f) and Rules U-23, U-42 and U-43 promulgated thereunder, regarding the refunding and redemption of the 7% and 6% Cumulative Preferred Stock of Louisville Gas and Electric Company (Kentucky), the issue by said Company of \$19,519,800 par value of 5% Cumulative Preferred Stock, \$25 Par Value, and the sale thereof to the public after a certain offer of exchange to the holders of the said 7% and 6% Cumulative Preferred Stock other than Louisville Gas and Electric Company (Delaware); the reclassification of the Class A common stock and Class B common stock of Louisville Gas and Electric Company (Kentucky) into new common stock; the exchange by Louisville Gas and Electric Company (Delaware) of the shares of said 7% and 6% Cumulative Preferred Stock owned by it for shares of the new

common stock; and accounting transactions incidental thereto; and

Said application and declaration having been filed on April 29, 1941, and amendments thereto having been filed on May 12, 1941 and May 16, 1941 and notice of said filing having been duly given in the form and manner described in Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named companies having requested that the effective date of said application and declaration, as amended, be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to Rules U-42 and U-43 to become effective, and finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transactions involved have the tendency required by section 10 (c) (2) of said Act, and being satisfied that the effective date of such declaration, as amended, and the date of granting such application, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective and the aforesaid application be and hereby is granted forthwith.

By the Commission, Judge Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3571; Filed, May 19, 1941;
11:36 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DISMISSING PARTIES FROM PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1941.

The Commission on March 4, 1940, having issued a Notice of and Order For Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company

Act of 1935 in the above-captioned matter;

The Connecticut Light and Power Company and its subsidiary companies, The Windsor Locks Canal Company, The Shelton Canal Company and The Rocky River Realty Company having been designated subsidiary companies of The United Gas Improvement Company, and each of said companies having been made respondents in the aforesaid proceeding; and

It appearing that The United Gas Improvement Company has disposed of all of its holdings of voting securities of The Connecticut Light and Power Company and by reason of this disposition such company and its three subsidiaries are no longer subsidiary companies of The United Gas Improvement Company;

It is hereby ordered, That The Connecticut Light and Power Company, The Windsor Locks Canal Company, The Shelton Canal Company and The Rocky River Realty Company be and they and each of them hereby are dismissed as parties to this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3567; Filed, May 19, 1941;
11:35 a. m.]

[File No. 70-243]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION, SCRANTON-SPRING BROOK WATER SERVICE COMPANY, AND CARBONDALE GAS COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1941.

The Commission having ordered that a hearing in the above entitled matter be held on May 21, 1941, and the applicants and declarants having requested that such hearing be postponed; and

It appearing to the Commission that such request should be granted;

It is ordered, That such hearing be and it hereby is postponed to August 19, 1941, at 10:00 o'clock in the forenoon.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3566; Filed, May 19, 1941;
11:35 a. m.]

[File No. 31-494]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY

ORDER DENYING APPLICATION AND MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

Manufacturers Trust Company having filed an application pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 for an order exempting it from the provisions of said Act; a hearing having been held thereon after appropriate notice; and the Commission having considered the record of said hearing and made findings based thereon;

It is hereby ordered, That said application be and the same is hereby denied;

It is further ordered, That the third paragraph of our order dated April 20, 1939 in In re Manufacturers Trust Company, File No. 31-178, Holding Company Act Release No. 1504, which is in the following words:

It is ordered, That Manufacturers Trust Company be and is hereby exempted from all of the provisions of the Public Utility Holding Company Act of 1935 applying to holding companies, subject to the limitations imposed by Rule U-3A3-1, as now in force or as hereafter amended, to the same extent as banks granted a general exemption thereunder; and

be and the same is hereby changed and modified in the manner hereinafter designated;

It is further ordered, That Manufacturers Trust be and is hereby exempted from all of the provisions of said Act applying to holding companies with respect to its direct and indirect ownership of the voting securities of Utility Service Company, The Marion-Reserve Power Company and Eastern Minnesota Power Corporation for a period of nine months from the date hereof at which time said exemption shall terminate;

It is further ordered, That said Manufacturers Trust Company be, and hereby is, exempted from the provisions of said Act otherwise applicable to such company as a holding company by reason of its direct or indirect ownership of the voting securities of New England Public Service Company, and subsidiary companies thereof, except the provisions of section 4 (a) (3) of said Act in so far as it relates to the sale or other disposition by said Manufacturers Trust Company of the voting securities of New England Public Service Company, upon condition, however, that said Manufacturers Trust Company shall not, except upon approval by this Commission by order, make or renew any loan to, enter into a financial transaction with, receive deposits from, act as trustee under any indenture of, act as transfer agent for any securities of, or in any manner act as financial agent for, said New England Public Service Company, or any of its subsidiary companies, other than to the extent that said Manufacturers Trust Company is now acting as copaying agent for Central Maine Power Company, Central Vermont Public Service Corporation and Cumberland County Power and Light Company; and

It is also ordered, That the jurisdiction of this Commission is hereby reserved for the purpose of entering such further orders as may from time to time be deemed appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3569; Filed, May 19, 1941;
11:36 a. m.]

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND
WATER COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1941.

The above named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the extension of maturity date from August 1, 1941, to August 1, 1942 of seven 5% Unsecured Promissory Notes aggregating \$412,000 in principal amount; said notes, together with other notes, having been the subject of two previous declarations filed in this matter, the first of said declarations, regarding their issue and sale, having been permitted to become effective by order of the Commission dated July 28, 1939, and the second, regarding extension of maturity date from August 1, 1940 to August 1, 1941, having been permitted to become effective by further order of the Commission dated June 1, 1940; and said notes by their terms providing that the maturity date of each may be further extended from August 1, 1941 for two successive one-year periods until August 1, 1943 upon written notice to the payee, Sand Springs Home, Sand Springs, Oklahoma;

Said declaration having been filed on April 26, 1941, and the Commission deeming it advisable in the public interest that the said declaration be subject to the provisions of Rules U-23 and U-24, formerly designated Rules U-8 and U-9, promulgated under said Act and made effective July 10, 1940, as the same have been subsequently amended; and having

on May 1, 1941, entered its order herein applying the provisions of said rules to the said declaration filed herein; and notice of said filing having been duly given in the form and manner prescribed by said Rule U-23, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The above named party having requested that said declaration become effective as soon as possible, and not later than May 27, 1941; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3570; Filed, May 19, 1941;
11:36 a. m.]

[File No. 60-18]

IN THE MATTER OF BAKER, WALSH &
COMPANY

NOTICE OF AND ORDER FOR HEARING TO DETERMINE WHETHER SAID COMPANY SHOULD BE DECLARED TO BE A HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 17th day of May, A. D. 1941.

The Commission having been advised by its Public Utility Division of evidence tending to show that Baker, Walsh & Company, a corporation organized under the laws of Illinois, directly or indirectly exercises (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling

influence over the management or policies of Western Light & Telephone Company, an electric and gas utility company and a corporation organized under the laws of Delaware, as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Baker, Walsh & Company be subject to the obligations, duties, and liabilities imposed upon holding companies by the Public Utility Holding Company Act of 1935;

It is ordered, Pursuant to section 2 (a) (7) (B) of said Act that a hearing be held to determine whether such controlling influence exists and if such controlling influence is found to exist to declare Baker, Walsh & Company to be a holding company with respect to Western Light & Telephone Company;

It is further ordered, That such hearing commence on the 5th day of June 1941 at 10:00 o'clock in the forenoon of that day in the hearing room of the Chicago Regional Office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and be continued at such times and places as the officer assigned to preside at such hearing shall designate upon appropriate notice being given to Baker, Walsh & Company.

It is further ordered, That Henry Pitts or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter and the officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to Baker, Walsh & Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before the 31st day of May 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-3565; Filed, May 19, 1941;
11:35 a. m.]